

REMARKS

The Office Action dated September 22, 2005, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-3, 5-11, 13-15, and 17-33 are pending in the application, of which claims 1 and 24-33 are independent. Claim 6 has been amended to more particularly point out and distinctly claim the invention. Claims 14-23 have been cancelled without prejudice or disclaimer. No new matter has been added. Claims 1-3, 5-11, 13-15, and 17-33 are submitted for consideration.

Claim 6 was objected to because of informalities. It is respectfully submitted that claim 6 is amended to obviate this objection by correcting the informalities noted in the Office Action. Accordingly, withdrawal of the objection to claim 6 is respectfully requested.

Claims 1, 2, 6, 13, 14, 18, 21, and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,364,112 of Widegren et al. ("Widegren") in view of U.S. Patent No. 6,834,186 of Gallagher et al. ("Gallagher"). The Office Action took the position that Widegren teaches all of the elements of the claims except "transmitting a request for a communication channel setup from a user equipment to a first network element in said transport layer of the wireless communication network; and wherein the request contains an indication to the first network element that radio resource allocation is to be prevented for the communication channel in the transport layer before the communication session in the application layer has been

successfully established." The Office Action cites Gallagher to remedy the deficiencies of Widegren. Applicants respectfully submit that the rejection is moot with regard to claims 14, 18, and 21, which have been cancelled. Applicants respectfully traverse this rejection as applied to claims 1, 2, 6, 13, and 29.

Independent claim 1, from which claims 2-3, 5-11, and 13 depend, recites a method of setting up a communication session in a wireless communications network comprising at least a radio access network, an application layer and a transport layer. The method comprises transmitting a request for a communication channel setup from a user equipment to a first network element in the transport layer of the wireless communications network. In the method, the communication channel carries content of the communication session, and the request contains an indication to the first network element that radio resource allocation is to be prevented for the communication channel in the transport layer before the communication session in the application layer has been successfully established. It is respectfully submitted that the cited references fail to disclose or suggest all of the features of the pending claims.

Independent claim 29 is directed to an apparatus in a wireless communications network. The network includes at least a radio access network, an application layer and a transport layer. The apparatus includes a transmitter means for transmitting a request for a communication channel setup to a first network element in said transport layer of the wireless

communications network. The communications channel carries content of a communications session. The request contains an indication to the first network element that radio resource allocation is to be prevented for the communication channel in the transport layer before the communication session in the application layer has been successfully established.

Widegren discloses providing flexible radio access and resource allocation in a Universal Mobile Telephone System (UMTS). Widegren seems to be concerned with how a dedicated or a common channel is selected for the new connection. In Figure 5 and in column 11 line 52 - column 12 line 32, Widegren discloses setting up a multimedia call, through a plurality of service nodes. Each of the nodes analyzes the types of parameters involved including the types of media, coding for video and speech, bearer request characteristics. Based on the parameters and cost factors for the multimedia call, the service node requests one or more radio access bearers from the UTRAN (UMTS Terrestrial Radio Access Network). The radio access bearer request specifies a quality of service, traffic class and traffic parameters. See column 12, ll. 5-7 of Widegren.

Widegren, however, as the Office Action correctly notes, does not describe "transmitting a request for a communication channel setup from a user equipment to a first network element in said transport layer of the wireless communication network; and wherein the request contains an indication to the first network element that radio resource allocation is to be prevented for the communication channel in the transport layer before the communication

session in the application layer has been successfully established."

Gallagher is directed to wireless handset feature transparency between switching nodes. In Gallagher, the transport layer 205, is the key element that allows the routing of a call. As explained at col. 5, ll. 40-42, the various transport layers communicate with each other in order to establish a call through the various switching nodes. Gallagher does not discuss transmitting anything from the user equipment in the transport layer. In addition, Gallagher does not discuss that a request to set up a communication channel contain an indication that radio resource allocation is to be prevented before the communication session has been successfully established. Gallagher is silent with regard to these features.

Thus, Gallagher and Widegren do not disclose or suggest "transmitting a request for a communication channel setup from a user equipment to a first network element in said transport layer of the wireless communication network; and wherein the request contains an indication to the first network element that radio resource allocation is to be prevented for the communication channel in the transport layer before the communication session in the application layer has been successfully established," as recited in claim 1. Both are silent on those features. The portion of Gallagher that the Office Action cites is col. 5, l. 26 through col. 6, l. 50, but that portion of Gallagher neither mentions the user equipment, nor does it mention any indication in any request that radio resource allocation is to be prevented for the communication channel in the transport layer before the communication session in the application layer has been successfully established.

Thus, it is respectfully submitted that the combination of Gallagher and Widegren does not disclose or suggest all of the elements of claim 1.

Each of claims 24-33 recites similar limitations to those which the combination of Gallagher and Widegren fail to disclose or suggest, as discussed above. Accordingly, Applicants respectfully submit that the same arguments apply to claims 24-33, and that claims 24-33 are also not obvious in view of the combination of Gallagher and Widegren.

Claims 2, 6, and 13 depend from claim 1, and recite additional limitations. Thus, it is respectfully submitted that claims 2, 6, and 13 recite subject matter that is neither disclosed nor suggested by the combination of Gallagher and Widegren. It is therefore respectfully requested that the rejection of claims 1, 2, 6, 13, and 29 be withdrawn.

Claims 3, 5-11, 15, 17-20, and 22-33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Widegren in view of Gallagher and further in view of U.S. Patent Application Publication No. 2001/0043577 of Barany et al. ("Barany"). The Office Action took the position that Widegren and Gallagher teach most of the elements of the claims. The Office Action supplied Barany as allegedly teaching the elements that Widegren and Gallagher do not. Applicants respectfully submit that the rejection is moot as to cancelled claims 15, 17-20 and 22-23. Applicants respectfully traverse this rejection as applied to claims 3 and 5-11.

Claims 3 and 5-11 depend from claim 1. In order to render the

dependent claims obvious, the combination of Widegren, Gallagher, and Barany must teach, individually or combined, all the recitations of the base claims and any intervening claims of dependent claims 3 and 5-11. Therefore, the arguments presented above supporting the patentability of independent claim 1 over Widegren and Gallagher are applicable to this rejection as well, and are hereby incorporated by reference. Similarly, the arguments presented regarding independent claims 24-33 are applicable to this rejection of claims 24-33, and are likewise incorporated by reference.

Barany does not remedy the above-described deficiencies of Widegren and Gallagher. Barany is directed to a system and method for controlling wireless packet switched voice calls. Barany describes GPRS service nodes (GSNs) including a serving GSN (SGSN) and a gateway GSN (GGSN). In Barany, GSNs deliver and route data packets between the mobile terminals and the multimedia IP networks. As in Widegren and Gallagher, there is no discussion of "transmitting a request for a communication channel setup from a user equipment to a first network element in said transport layer of the wireless communication network; and wherein the request contains an indication to the first network element that radio resource allocation is to be prevented for the communication channel in the transport layer before the communication session in the application layer has been successfully established," as recited by claim 1. Barany is silent regarding any such features.

It is respectfully submitted that the combination of Barany, Widegren, and Gallagher does not disclose or suggest all of the elements of claim 1, and therefore of claims 3 and 5-11, which depend from claim 1. As mentioned above,

claims 24-33 each recite similar limitations to claim 1, and thus Applicants respectfully submit that the combination of Barany, Widegren, and Gallagher also fails to disclose or suggest any of claims 24-33.

Further, Applicants respectfully submit that Barany is not prior art over the present application. The present application claims priority under 35 U.S.C § 120 from U.S. Patent Application Serial Number 09/546,209 which was filed on April 10, 2000. It is respectfully submitted that the subject matter of the present application was disclosed in the parent patent application. Barany was filed on December 15, 2000.


Thus, Barany is not prior art over the present application and therefore cannot be relied upon to cure the admitted deficiencies of Widegren and Gallagher.

It is respectfully submitted that each of claims 1-3, 5-11, 13, and 24-33 recites subject matter that is neither disclosed nor suggested in the cited references. It is therefore respectfully requested that claims 1-3, 5-11, 13, and 24-33 be allowed, and that this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,


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Enclosures: Petition for Extension of Time
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